

THURSDAY, APRIL 27, 1995

THIRTY-NINTH LEGISLATIVE DAY

The House met at 9:00 a.m. and was called to order by Mr. Speaker Naifeh.

The proceedings were opened with prayer by Danny Gray, Ethridge Church of Christ, Ethridge, Tennessee.

Representative White led the House in the Pledge of Allegiance to the Flag.

ROLL CALL

The roll call was taken with the following results:

Present 95

Representatives present were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Hicks, Huskey, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Riggsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Shelby), Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 95.

EXCUSED

The Speaker announced that the following member(s) has/have been excused, pursuant to request(s) under **Rule No. 20**:

Representative Venable; personal reasons.

Representative Turner (Hamilton); illness.

SPONSORS ADDED

Under **Rule No. 43**, the following members were permitted to add their names as sponsors as indicated below, the prime sponsor of each having agreed to such addition:

House Joint Resolution No. 50: Rep(s). Chumney as prime sponsor(s).

House Joint Resolution No. 129: Rep(s). Roach, Peach, McKee, Gunnels Kerr, Coffey, Kisber, Ford and McDaniel as prime sponsor(s).

House Bill No. 107: Rep(s). Williams (Union) and Shirley as prime sponsor(s).

House Bill No. 117: Rep(s). Boyer and Williams (Union) as prime sponsor(s).

House Bill No. 554: Rep(s). Kernell, Haley, Byrd, Cross, Ridgeway and Williams (Union) as prime sponsor(s).

House Bill No. 555: Rep(s). Cantrell, Stulce, Cole and Kent as prime sponsor(s).

House Bill No. 735: Rep(s). Givens and Cantrell as prime sponsor(s).

House Bill No. 1391: Rep(s). Fowlkes as prime sponsor(s).

MESSAGE FROM THE SENATE
April 27, 1995

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 1325; passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

***Senate Bill No. 1325** -- Criminal Offenses -- Creates offense of carjacking, punishable as Class B felony. Amends TCA Title 39, Chapter 13, Part 4. by *Cohen, *Burks, *Person.

MESSAGE FROM THE SENATE
April 27, 1995

MR. SPEAKER: I am directed to return to the House, House Bill No. 89.

The Speaker appointed a Conference Committee composed of Senators Cooper, Cohen, Gilbert, Rochelle, Crutchfield, Atchley and Elsea to confer with the like Committee from the House to resolve the differences of the two bodies on House Bill No. 89.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

INTRODUCTION OF RESOLUTIONS

On motion, pursuant to **Rule No. 17**, the resolution(s) listed was/were introduced and referred to the appropriate Committee:

House Joint Resolution No. 268 -- Naming and Designating -- "Thanks to Them" by Jerry Hayes, official song of state honoring World War II veterans. by *Jackson.

State and Local Government Committee

RESOLUTIONS

Pursuant to Rule No. 17, the following resolution(s) was/were introduced and placed on the Consent Calendar for May 15, 1995:

House Resolution No. 74 -- Memorials, Recognition and Thanks -- Memphis/Shelby County Children's and Young Adults' Community Crime Prevention Organization. by *Brooks, *Miller L, *Towns, *Bowers, *Jones U (Shelby), *Turner (Shelby), *Byrd, *DeBerry L, *Pruitt, *Jones R (Shelby), *DeBerry J.

House Joint Resolution No. 264 -- Memorials, Public Service -- Fred R. Ingram, Anderson County Election Commission. by *Coffey.

House Joint Resolution No. 265 -- Memorials, Interns -- Jeff Bailey. by *Boyer, *Bittle.

House Joint Resolution No. 266 -- Memorials, Recognition and Thanks -- Evelyn C. Robertson, Jr., Former Commissioner of Mental Health and Mental Retardation. by *Walley, *DeBerry L.

House Joint Resolution No. 267 -- Memorials, Professional Achievement -- Dr. Charles Barnett, Distinguished Service Award. by *Armstrong, *Tindell, *Burchett, *Ritchie, *Dunn, *Boyer, *Bittle.

House Joint Resolution No. 269 -- Memorials, Recognition and Thanks--Carol Crawley and MidSouth Minority Purchasing Council. by *DeBerry J.

SENATE JOINT RESOLUTIONS
(Congratulatory and Memorializing)

Pursuant to Rule No. 17, the resolution(s) listed was/were noted as being placed on the Consent Calendar for May 15, 1995:

Senate Joint Resolution No. 176 -- Memorials, Sports -- Coach Charlie Bayless. by *Crowe.

Senate Joint Resolution No. 177 -- Memorials, Sports -- William "Hercules" Boyd, First Annual Mule Day Chariot Race winner. by *Jordan.

Senate Joint Resolution No. 179 -- Memorials, Public Service -- Ron Willis. by *Kyle.

Senate Joint Resolution No. 180 -- Memorials, Retirement -- Weldon Payne. by *Burks.

Senate Joint Resolution No. 181 -- Memorials, Recognition and Thanks -- Dr. Howell Todd. by *Henry.

Senate Joint Resolution No. 185 -- Memorials, Public Service -- Barbara Haynes, Chair, Tennessee Sentencing Commission. by *Kyle, *Atchley, *Burks, *Carter, *Cohen, *Cooper, *Crowe, *Crutchfield, *Dixon, *Elsea, *Ford J, *Fowler, *Gilbert, *Hamilton, *Harper, *Haun, *Haynes, *Henry, *Holcomb, *Jordan, *Koella, *Leatherwood, *McNally, *Miller J, *O'Brien, *Person, *Rice, *Rochelle, *Springer, *Wallace, *Wilder, *Womack, *Wright.

Senate Joint Resolution No. 187 -- Memorials, Academic Achievement -- Sheila Alexander Cook, Mt. Juliet Christian Academy 1995 valedictorian. by *Rochelle.

Senate Joint Resolution No. 188 -- Memorials, Academic Achievement -- Susan L. Bailey, 1995 valedictorian, Watertown High School. by *Rochelle.

Senate Joint Resolution No. 189 -- Memorials, Academic Achievement -- Christopher Shaun Harrison, 1995 salutatorian of Watertown High School. by *Rochelle.

Senate Joint Resolution No. 190 -- Memorials, Sports -- 1994-1995 Tuckers Crossroads School girls' basketball team. by *Rochelle.

Senate Joint Resolution No. 191 -- Memorials, Sports -- 1994-1995 Southside School girls' basketball team. by *Rochelle.

Senate Joint Resolution No. 192 -- Memorials, Sports -- 1994-1995 Southside School boys' basketball team. by *Rochelle.

Senate Joint Resolution No. 196 -- Memorials, Sports -- 1994-1995 Meigs County High School girls' basketball team, TSSAA Class AA state champions. by *Elsea.

Senate Joint Resolution No. 198 -- Memorials, Public Service -- Yvonne Magdaline Brown. by *Harper.

Senate Joint Resolution No. 199 -- Memorials, Sports -- 1994-1995 Tennessee State University men's basketball team. by *Harper, *Rochelle, *Henry.

RESOLUTIONS LYING OVER

On motion, the resolutions(s) listed was/were referred to the appropriate Committee:

***Senate Joint Resolution No. 184** -- Memorials, Congress -- Urges Congress to act to authorize states to act with respect to flow control under interstate commerce clause. by *Gilbert, *Crowe.

State and Local Government Committee

Senate Joint Resolution No. 197 -- Naming and Designating -- "The Year of Middle Grades Education," August 1995-August 1996. by *Crowe, *Womack.

Education Committee

Senate Joint Resolution No. 195 -- General Assembly, Confirmation of Appointment -- William Robert Baker, Tennessee Claims Commission. by *Rice.

Judiciary Committee

INTRODUCTION OF BILLS

On motion, the following bills were introduced and passed first consideration:

House Bill No. 1896 -- Bradley County -- Subject to local approval, creates Bradley County Sheriff's Department Employment Protection Plan.

SENATE BILLS TRANSMITTED

On motion, the Senate Bills listed below, transmitted to the House, were held on the Clerk's desk pending third consideration of the companion House Bill:

*Senate Bill No. 7 -- Civil Procedure -- Enacts "Tennessee Anti-SLAPP Act of 1995." by *Cohen.

*Senate Bill No. 157 -- Judicial Districts -- Authorizes qualified voters of 20th judicial district to elect additional circuit court judge in August 1998. Amends TCA Title 16, Chapter 2, Part 5. Repeals Chapter 124, Private Acts of 1963, as amended. by *Haynes, *Harper.

*Senate Bill No. 378 -- Insurance, Health, Accident -- Permits managed care organizations in commercial plans to obtain stop-loss coverage. Amends TCA 56-2-201. by *Kyle.

*Senate Bill No. 745 -- Private Investigators -- Exempts undercover investigators engaged in internal security for private investigation committees from being licensed themselves as private investigators. Amends TCA Title 62, Chapter 26. by *Kyle.

Senate Bill No. 1047 -- Civil Procedure -- Expands contractual release on liability to include covenants not to enforce judgment in tort cases. Amends TCA 2911-105. by *Womack.

*Senate Bill No. 1114 -- Regional Authorities -- Enacts "Municipal Port Authority Act," in Memphis. by *Ford J.

*Senate Bill No. 1122 -- Medical Occupations -- Provides for licensure of home medical equipment providers. Amends TCA Title 68, Chapter 11, Part 1 and Title 68, Chapter 11, Part 2. by *Cooper.

Senate Bill No. 1268 -- Motor Vehicles -- Requires reporting of conviction of traffic offenses other than parking by school bus drivers, such conviction to be grounds for dismissal Amends TCA Title 55. by *Ford J.

*Senate Bill No. 1298 -- Agriculture, Dept. of -- Defines "plant pests" as species injurious to agricultural, horticultural, silvicultural or other interests of the state Amends TCA Title 43, Chapter 6. by *Burks.

*Senate Bill No. 1436 -- Medical Occupations -- Enacts "Volunteer Health Care Services Act." Amends TCA Title 63, Chapter 6. by *Gilbert.

*Senate Bill No. 1536 -- Insurance, Health, Accident -- Authorizes health insurance insurer and insured to contractually waive insured's statutory right to purchase health insurance coverage for unborn child if and only if insured or insured's spouse is pregnant

with unborn child at time insured initially purchases coverage. Amends TCA Title 56, Chapter 7, Part 23. by *Henry.

Senate Bill No. 1599 -- Motor Vehicles, Titling and Registration -- Deletes obsolete language requiring commissioner to reissue new registration plates commencing January 1, 1988, and each fifth anniversary date thereafter. Amends TCA Title 55, Chapter 4. by *Miller J.

***Senate Bill No. 1735** -- Insurance Companies, Agents, Brokers - Amends Premium Finance Company Act of 1980, to require that refund of unearned premium upon cancellation of financed insurance contract shall be on pro rata basis. Amends TCA Title 56, Chapter 37. by *Kyle.

***Senate Bill No. 1825** -- Regional Authorities -- Expands authority of Carroll County Watershed Authority from Beaver Creek Watershed to all of Carroll County. Amends TCA Title 64, Chapter 1, Part 8. by *Carter.

REPORTS FROM STANDING COMMITTEES

The committees that met on April 27, 1995 reported the following:

COMMITTEE ON CALENDAR AND RULES

The Calendar and Rules Committee met and set the following bill(s) on the **Regular Calendar** for **May 15, 1995**: House Bill(s) No(s). 571, 1271, 1115, 815, 808, 814, 909 and 35.

The Committee set the following bills on the **Regular Calendar** for **May 17, 1995**: House Bill(s) No(s). 968, 1791, 1796, 624, 1503, 903, 1775, 1099, 752, 1437, 668, 437, 334 and 1705 and Senate Bill(s) No(s). 6.

The Committee set the following bill(s) and/or resolution(s) on the **Consent Calendar** for **May 15, 1995**: House Bill(s) No(s). 696, 1809, 419, 426, 433, 438, 442, 1309, 1090, 1795, 1765, 420, 415, 413, 448, 458, 459, 466 and 469 and House Joint Resolution(s) No(s). 234, 204 and 220.

CONSENT CALENDAR

House Bill No. 1867 -- Agriculture, Dept. of -- Exempts from food service establishment requirements and inspection catering businesses that employ no regular full time employees, food preparation is performed solely within confines of principal residence of proprietor, and such business makes only occasional sales during any 30 day period. Amends TCA Title 53, Chapter 8. by *Rhinehart, *Buck (*SBI853 by *Cooper).

House Bill No. 1716 -- Insurance Companies, Agents, Brokers -- Amends Premium Finance Company Act of 1980, to require that refund of unearned premium upon cancellation of financed insurance contract shall be on pro rata basis. Amends TCA Title 56, Chapter 37. by *West (*SBI735 by *Kyle).

On motion, House Bill No. 1716 was made to conform with **Senate Bill No. 1735**; the Senate Bill was substituted for the House Bill.

House Resolution No. 30 -- General Assembly, Review Or Ratification of Rules -- Ratifies amendments to Rules of Civil Procedure. by *Buck.

House Resolution No. 31 -- General Assembly, Review Or Ratification of Rules -- Ratifies amendments to Rules of Criminal Procedure. by *Buck.

House Resolution No. 32 -- General Assembly, Review Or Ratification of Rules -- Ratifies amendments to Rules of Appellate Procedure. by *Buck.

***House Joint Resolution No. 217** -- Naming and Designating -- W.D. "Bill" Manning, former Commissioner of Veterans Affairs, new state veterans' home. by *Phelan.

House Bill No. 1384 -- Corporations, Not for Profit -- Requires payments to board members of medical and hospital service plans for professional services to be reported to secretary of state, such reports to be maintained for three years. Amends TCA Title 48 and Title 56. by *DeBerry J (*SB1517 by *Ford J).

***House Joint Resolution No. 219** -- General Assembly, Studies -- Urges THEC, U.T. board of trustees and board of regents to study articulation of two year and four year institutions. by *Ramsey.

House Bill No. 1461 -- Election Laws -- Allows person eligible for restoration of citizenship rights to certify to county registrar as to status. Amends TCA 40-29-105. by *Towns, *Turner (Shelby), *Bowers, *DeBerry J, *Brooks (*SB545 by *Ford J).

House Bill No. 1462 -- Correctional Programs -- Creates pilot program for reduction of violence in prisons and jails by use of surveillance technology. Amends TCA Title 41, Chapter 1, Part 1. by *Towns, *Bowers, *DeBerry L, *Turner (Shelby), *Brooks (*SB558 by *Dixon).

***House Bill No. 34** -- Probation -- Increases from \$10.00 per month to between \$10.00 and \$35.00 per month dollar amount of fines that may be imposed upon first time offenders placed on probation after conviction of Class A misdemeanor or Class C, D or E felony. Amends TCA 40-35-313. by *Kent (SB16 by *Person).

House Bill No. 1427 -- Planning, Public -- Authorizes municipalities to provide funding for neighborhood revitalization efforts, including mortgage credit certification programs. Amends TCA Title 13. by *Bowers, *Miller L, *Jones U (Shelby), *DeBerry L, *Chumney (*SB1154 by *Kyle).

***House Joint Resolution No. 149** -- Memorials, Congress -- Urges Congress and Secretary of Defense to maintain Defense Distribution Depot in Memphis. by *Bowers.

***House Bill No. 634** -- Pensions and Retirement Benefits -- Authorizes Tennessee Association of Assessing Officers to become participating employer in TCRS; employees to make same contributions

with eligibility same as other employees of local governments; retirement system not liable for payment of allowances and state to realize no increased cost. Amends TCA. by *Herron, *Rinks (SB1003 by *Hamilton, *Burks).

On motion, House Bill No. 634 was made to conform with **Senate Bill No. 1003**; the Senate Bill was substituted for the House Bill.

House Joint Resolution No. 180 -- Memorials -- Memorials - Observe Ten Commandments, May 7-17, 1995. by *Peach, *Ramsey, *Shirley, *Dunn, *Williams (Unio), *Beavers, *Coffey, *Windle, *Gunnels, *Lewis, *Curtiss, *Newton, *Boyer, *Hargrove, *Ford S, *Burchett, *Walley, *Roach, *McKee, *Herron, *Williams (Williamson), *Hicks, *Brown, *Fitzhugh, *Wood, *Sharp, *Ritchie, *McDaniel, *Duer, *McAfee.

House Joint Resolution No. 202 -- Highway Signs -- "Steven Wade Barton Memorial Station," certain weigh/inspection station, I81, Greene County. by *Givens, *Davis, *Whitson.

House Bill No. 960 -- Correctional Programs -- Increases size of work release commission from three to maximum of 12; authorizes three person panels; makes sheriff rather than county executive appointing authority Amends TCA 41-2-134(c). by *Halteman Harwell (*SB282 by *Harper, *Haynes).

House Bill No. 556 -- Taxes, Sales -- Exempts from sales tax lift devices that permit ingress and egress of handicapped persons confined to wheelchairs from residences as well as from personal motor vehicles. Amends TCA 67-6-314. by *Halteman Harwell (*SB402 by *Jordan).

On motion, House Bill No. 556 was made to conform with **Senate Bill No. 402**; the Senate Bill was substituted for the House Bill.

House Bill No. 1541 -- Cemeteries -- Revises requirements for cemetery company financial reports. Amends TCA 46-2-202 -- 205, 311. by *McAfee (*SB1194 by *Holcomb).

House Joint Resolution No. 98 -- Naming and Designating -- Daniel Smith, "Grandfather of Tennessee." by *Stamps.

Senate Joint Resolution No. 93 -- Naming and Designating -- Designates May 15, 1995, as "Police Memorial Day" and May 14-20, 1995, as "Police Memorial Week." by *Burks, *Wallace, *Haun, *Womack, *Harper, *Springer, *Crutchfield, *Kyle, *Cooper, *Crowe, *Dixon, *Cohen, *Henry.

House Bill No. 1238 -- Highway Signs -- Direct department of transportation to include "The Volunteer State" on welcome signs as such signs are replaced or modified. Amends TCA Title 54. by *Ridgeway (SB1541 by *O'Brien).

House Joint Resolution No. 108 -- General Assembly, Studies -- Continues special joint committee created by HJR 428 of 98th General Assembly to study and coordinate implementation of executive branch's strategy to solve problems associated with drainage of streams and rivers and preservation of wetlands in West Tennessee. by *Walley, *Phelan, *Fitzhugh, *McDaniel.

***House Joint Resolution No. 44** -- General Assembly, Studies -- Continues special joint committee created by HJR 461 of 98th General Assembly to review petroleum underground storage tank regulatory program. by *Head, *Bell, *Bragg.

***Senate Joint Resolution No. 100** -- Highway Signs -- "Purple Heart Parkway," S.R. 374, Clarksville. by *Rice.

House Bill No. 220 -- Driver Licenses -- Allows intrastate driver of combustible liquids with monocular vision to receive commercial drivers license. Amends TCA Title 55, Chapter 50, Part 4. by *Phillips (*SB171 by *Womack).

On motion, House Bill No. 220 was made to conform with **Senate Bill No. 171**; the Senate Bill was substituted for the House Bill.

House Bill No. 1095 -- Private Investigators -- Exempts undercover investigators engaged in internal security for private investigation committees from being licensed themselves as private investigators. Amends TCA Title 62, Chapter 26. by *Kernell (*SB745 by *Kyle).

On motion, House Bill No. 1095 was made to conform with **Senate Bill No. 745**; the Senate Bill was substituted for the House Bill.

Senate Joint Resolution No. 156 -- Naming and Designating -- "Victims' Rights Week," April 23-29, 1995. by *Burks, *Atchley, *Carter, *Cohen, *Cooper, *Crowe, *Crutchfield, *Dixon, *Elsa, *Ford J, *Fowler, *Gilbert, *Hamilton, *Harper, *Haun, *Haynes, *Henry, *Holcomb, *Jordan, *Koella, *Kyle, *Leatherwood, *McNally, *Miller J, *O'Brien, *Person, *Rice, *Rochelle, *Springer, *Wallace, *Wilder, *Womack, *Wright.

House Bill No. 417 -- Sunset Laws -- Comprehensive health insurance pool, board of directors, June 30, 1996. Amends TCA Title 4, Chapter 29; Title 56, Chapter 7. by *Kernell, *Garrett, *Brooks (*SB504 by *Haynes).

On motion, House Bill No. 417 was made to conform with **Senate Bill No. 504**; the Senate Bill was substituted for the House Bill.

House Bill No. 461 -- Sunset Laws -- Judicial council, June 30, 2003. Amends TCA Title 4, Chapter 29; Title 16, Chapter 21. by *Kernell, *Garrett, *Brooks (*SB183 by *Haynes).

On motion, House Bill No. 461 was made to conform with **Senate Bill No. 183**; the Senate Bill was substituted for the House Bill.

House Bill No. 416 -- Sunset Laws -- Interstate compact on juveniles, June 30, 2003. Amends TCA Title 4, Chapter 29; Title 37, Chapter 4. by *Kernell, *Garrett, *Brooks (*SB505 by *Haynes).

On motion, House Bill No. 416 was made to conform with **Senate Bill No. 505**; the Senate Bill was substituted for the House Bill.

House Joint Resolution No. 198 -- Naming and Designating -- "Ramp Festival Day, May 7, 1995. by *Davis.

THURSDAY, APRIL 27, 1995 -- THIRTY-NINTH LEGISLATIVE DAY

Senate Joint Resolution No. 154 -- Naming and Designating --
"Upper Cumberland Drinking Water Month," May 1995. by *Burks,
*O'Brien.

House Resolution No. 70 -- Memorials, Interns -- Tonya D.
Fields. by *Arriola.

House Resolution No. 71 -- Memorials, Sports -- 1994-1995
Clarkrange High School girls' basketball team, TSSAA Class A state
champions. by *Windle.

House Joint Resolution No. 255 -- Memorials, Recognition and
Thanks -- Downtown Franklin Association. by *Williams (Williamson).

House Joint Resolution No. 256 -- Memorials, Public Service --
Manny Martins, TennCare director. by *Stamps.

House Joint Resolution No. 257 -- Memorials, Public Service --
Miles Allen Ehmling, Sumner County Election Commission. by *Stamps.

House Joint Resolution No. 258 -- Memorials, Heroism -- James
C. McKnight, decorated World War II veteran. by *Bragg, *Eckles.

House Joint Resolution No. 259 -- Memorials, Professional
Achievement -- Donna Hooper, Metro Nashville Teacher of the Year. by
*West, *Halteman Harwell, *Arriola, *Pruitt, *Odom, *Jones, S.,
*Garrett, *Purcell, *Langster, *Robinson.

House Joint Resolution No. 260 -- Memorials, Interns -- Emily
Ruth Thomas. by *West.

House Joint Resolution No. 261 -- Memorials, Professional
Achievement -- Carolyn Spooone Holt, 1995 Outstanding Dietitian of the
Year. by *Ford S.

House Joint Resolution No. 262 -- Memorials, Public Service --
Oscar Scott, winner, WRCB-TV Jefferson Award. by *Stulce.

House Joint Resolution No. 263 -- Memorials, Academic
Achievement -- Holy Rosary Academy, SACS accreditation. by *West.

Senate Joint Resolution No. 170 -- Memorials, Academic
Achievement -- John Houston Hancock, Lebanon High School 1995
valedictorian. by *Rochelle.

Senate Joint Resolution No. 171 -- Memorials, Academic
Achievement -- Andrew "Shane" Woodall, 1995 Lebanon High School
salutatorian. by *Rochelle.

Senate Joint Resolution No. 172 -- Memorials, Recognition and
Thanks -- Jane Myron, past president of Johnson City Jonesborough
Washington County Chamber of Commerce. by *Crowe.

Senate Joint Resolution No. 173 -- Memorials, Sports -- 1994-
1995 University of Memphis women's basketball team. by *Cohen,
*Wilder.

Senate Joint Resolution No. 175 -- Memorials, Sports -- 1994-
1995 Tennessee State University women's basketball team. by *Harper.

Senate Joint Resolution No. 194 -- Memorials, Professional Achievement -- Dr. Harold Vann, Tennessee Medical Association Distinguished Service Award. by *Rice.

Rep. Rinks moved that all members voting aye on **House Joint Resolution(s) No(s). 217 and 256** be added as sponsors, which motion prevailed.

Rep. Givens moved that all members voting aye on **House Joint Resolution No. 202** be added as sponsors, which motion prevailed.

Rep. Kent moved that all members voting aye on **Senate Joint Resolution No. 93** be added as sponsors, which motion prevailed.

OBJECTION -- CONSENT CALENDAR

Objection(s) was/were filed to the following on the Consent Calendar:

House Bill No. 1461: by Rep. Bittle.

Under the rules, House Bill No.1461 was placed at the foot of the calendar for Monday, May 15, 1995.

Pursuant to **Rule No. 50**, Rep. Phillips moved that all House Bills having companion Senate Bills and are on the Clerk's desk be conformed and substituted for the appropriate House Bill, all Senate and House Bills on the Consent Calendar be passed on third and final consideration, all House Resolutions and House Joint Resolutions be adopted, and all Senate Joint Resolutions on the Consent Calendar be concurred in, which motion prevailed by the following vote:

Ayes 96
Noes 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Shelby), Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 96.

A motion to reconsider was tabled.

REGULAR CALENDAR

***House Bill No. 107** -- Law Enforcement -- Makes law enforcement officers and their employers immune for injuries caused to third party by suspect fleeing pursuit; makes injured third party eligible for claim under criminal injuries compensation fund for injury caused by fleeing suspect or pursuing officer. Amends TCA Title 29, Chapter 13,

Part 1; Title 55, Chapter 8, Part 1. by *Walley, *Kent, *Cantrell, *Ford S, *Cole (Dyer), *Byrd, *Givens, *Sharp, *West, *Haley, *Bird, *Hassell, *Kisber, *Langster (SB638 by *Fowler, *Crowe, *Person).

Rep. Walley moved that House Bill No. 107 be reset to the Calendar for Wednesday, May 17, 1995, which motion prevailed.

***House Bill No. 1160** -- Taxes, Sales -- Expands scope of special sales tax allocation for Memphis sports authority to be operable if Canadian Football League (CFL) franchise is started. Amends TCA Title 67, Chapter 6. by *Turner (Shelby), *Kent, *Byrd, *Miller L, *DeBerry L (SB1557 by *Person, *Ford J, *Cohen, *Person, *Leatherwood, *Dixon, *Kyle).

On motion, House Bill No. 1160 was made to conform with **Senate Bill No. 1557**; the Senate Bill was substituted for the House Bill.

Rep. Turner (Shelby) moved that Senate Bill No. 1557 be passed on third and final consideration.

On motion, Rep. Bragg withdrew Finance Ways and Means Committee Amendment No. 1.

Rep. Head moved that Amendment No. 2 be withdrawn, which motion prevailed.

Rep. Turner (Shelby) moved that **Senate Bill No. 1557** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	96
Noes	0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Shelby), Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 96.

A motion to reconsider was tabled.

***House Bill No. 117** -- Child Abuse -- Enacts "Child Fatality Review and Prevention Act of 1995." Amends TCA Titles 37, 68, 71. by *Westmoreland (SB260 by *Holcomb).

Rep. Westmoreland moved that House Bill No. 117 be passed on third and final consideration.

Rep. Byrd moved adoption of Health and Human Resources Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 117 by deleting all the language following the enacting clause and by substituting instead the following language:

Section 1.

(a) Tennessee Code Annotated, Title 68, is amended by inserting Sections 1(b) through 6 of this act as a new, appropriately designated chapter.

(b) The Act shall be known as, and may be cited as, "The Child Fatality Review and Prevention Act of 1995" .

(c) There is hereby created the Tennessee child fatality prevention team, otherwise known as the state team. For administrative purposes only, the state team shall be attached to the department of health.

(d) The state team shall be composed as provided herein. Any ex-officio member, other than the commissioner of health, may designate an agency representative to serve in his or her place. Members of the state team shall be as follows:

- (1) The commissioner of health, who shall chair the state team;
- (2) The attorney general and reporter;
- (3) The commissioner of human services;
- (4) The director of the bureau of investigation;
- (5) A physician nominated by the state chapter of the American Medical Association;
- (6) A physician to be appointed by the health who is credentialed in forensic pathology, preferably with experience in pediatric forensic pathology;
- (7) The commissioner of mental health and mental retardation;
- (8) A member of the judiciary selected from a list submitted by the chief justice of the state supreme court;
- (9) The executive director of the commission on children and youth;

- professional society on (10) The president of the state
the abuse of children;
- by the (11) A team coordinator, to be appointed
commissioner of health;
- children and (12) The chair of the select committee on
youth;
- representatives (13) Two (2) members of the house of
to be appointed by the speaker
of the house at least one (1) of whom shall be a
member of the house health and human resources
committee; and
- (14) Two (2) senators to be appointed by
of the senate at least one
the speaker (1) of whom shall be a member of
general welfare, health and human resources
committee.

(e) All members of the state team shall be
voting members.

All vacancies shall be filled by the appointing or
designating authority in accordance with the
requirements of subsection (d).

Section 2. The state child fatality prevention team
shall:

- (a) Review reports from the local child
fatality review teams;
- (b) Report to the governor and the general
assembly concerning the state team's activities
and its recommendations for changes
to any law, rule, and policy that would promote
the safety and well-being of children;
- (c) Undertake annual statistical studies
of the incidence and causes of child fatalities
in this state. The studies shall include an
analysis of community and public and private
agency involvement with the decedents and their families prior
to and subsequent to the deaths;
- (d) Provide training and written materials
to the local teams established by this
article to assist them in carrying out their
duties. Such written materials may include model
protocols for the operation of local teams;
- (e) Develop a protocol for the collection
of data regarding child deaths;
- (f) Upon request of a local team, provide
technical assistance to such team, including the

authorization of another medical or legal opinion on
a particular death;

(g) Periodically assess the operations of
child fatality prevention efforts and make
recommendations for changes as needed.

Section 3.

(a) There shall be a minimum of one local team
in each judicial district;

(b) Each local team shall include the following
statutory members or their designees;

(1) A supervisor of social services in the
department of human services within the area served
by the team;

(2) The regional health officer in the
department of health in the area served by the
team or his designee, who shall serve as
interim chair pending the election by the local
team;

(3) A medical examiner who provides
services in the area served by the team;

(4) A prosecuting attorney appointed by
the district attorney general;

(5) The interim chair of the local team
shall appoint the following members to the local
team:

(A) a local law enforcement officer

(B) a mental health professional

(C) a pediatrician or family practice
physician

(D) an emergency medical service
provider or firefighter

(E) a representative from a juvenile
court

(c) Each local child fatality team may include
representatives of public and nonpublic agencies in
the community that provide services to children and
their families;

(d) The local team may include non-statutory
members to assist them in carrying out their
duties. Vacancies on a local team shall be filled
by the original appointing authority;

elect a member to (e) Local child fatality review teams shall serve as chair;

(f) The chair of each local team shall schedule the time and place of the first meeting, and shall prepare the agenda. Thereafter the team shall meet no less often than once per quarter and often enough to allow adequate review of the cases meeting the criteria for review.

Section 4.

(a) The local child fatality review teams shall:

- (1) Be established to cover each judicial district in the state;
 - (2) Review, in accordance with the procedures established by the state team, all deaths of children 17 years of age or younger;
 - (3) Collect data according to the protocol developed by the state team;
 - (4) Submit data on child deaths quarterly to the state team;
 - (5) Submit annually to the state team advocate for system recommendations, if any, and resources where gaps and improvements and deficiencies may exist;
 - (6) Participate in training provided by the state team.
- (b) Nothing in this act shall preclude a local team from providing consultation to any team member conducting an investigation.
- (c) Local child fatality review teams may request a second medical or legal opinion to be authorized by the state team in the event that a majority of the local team's statutory membership is in agreement that a second opinion is needed.

Section 5.

(a) The local team shall have access to and subpoena power to obtain all medical records and records maintained by any state, county or local agency, including, but not limited to, police investigations data, medical examiner investigative data and social services records, as necessary to complete the review of a specific fatality.

(b) The local team shall not, as part of the review authorized under this act, contact, question or interview the parent of the deceased child or any other family member of the child whose death is being reviewed.

(c) The local team may request that direct knowledge of persons with circumstances surrounding a particular fatality provide the local team with information necessary to complete the review of the particular fatality; such persons may include the person or persons who first responded to a report concerning the child.

(d) Meetings of the child fatality prevention team and each local child fatality team shall not be subject to the provisions of Tennessee Code Annotated, Title 8, Chapter 44, Part 1. Any minutes or other information generated during official meetings of state or local teams shall be sealed from public inspection. However, the state and local teams may periodically make available, in a general manner not revealing confidential information about children and families, the aggregate findings of their reviews and their recommendations for preventive actions.

(e) All otherwise confidential information and records acquired by the Tennessee child fatality prevention team or any local child fatality review team in the exercise of the duties are confidential; are not subject to discovery or introduction into evidence in any proceedings; and may only be disclosed as necessary to carry out the purposes of the state team or local teams.

In addition, all otherwise confidential information and records created by a local team in the exercise of its duties are confidential; are not subject to discovery or introduction into evidence in any proceedings; and may only be disclosed as necessary to carry out the purposes of the state or local teams. Release to the public or the news media of information discussed at official meetings is strictly prohibited. No member of the state team, a local team nor any person who attends an official meeting of the state team or a local team, may testify in any proceeding about what transpired at the meeting, about information presented at the meeting, or about opinions formed by the person as a result of the meeting.

The subsection shall not, however, prohibit a person from testifying in a civil or criminal action about matters within that person's independent knowledge.

(f) Each statutory member of a local child fatality review team and each non-statutory member of a local team and each person otherwise attending a meeting of a local child fatality review team shall sign a statement indicating an understanding of and adherence to confidentiality requirements, including the possible civil or criminal consequences of any breach of confidentiality.

Section 6. To the extent of funds available, the state team may hire staff or consultants to assist the state team and local teams in completing their duties.

Section 7. For purposes of appointments, organization and rule-making, this act shall take effect on becoming law, the public welfare requiring it. For all other purposes, this act shall take effect on January 1, 1996.

On motion, Amendment No. 1 was adopted.

Rep. Byrd moved adoption of Health and Human Resources Committee Amendment No. 2 as follows:

Amendment No. 2

AMEND House Bill No. 117 by adding the following as a new section immediately preceding the effective date section and by renumbering the effective date section accordingly:

Section _____. The provisions of this act shall not be construed to be an appropriation of funds and no funds shall be obligated or expended pursuant to this act unless such funds are specifically appropriated by the general appropriations act.

On motion, Amendment No. 2 was adopted.

Rep. Haley moved the previous question, which motion prevailed.

Rep. Westmoreland moved that **House Bill No. 117**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes 96
Noes 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey,

Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Shelby), Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 96.

A motion to reconsider was tabled.

House Bill No. 1391 -- Judges and Chancellors -- Deletes provision that allows parties in civil case to select lawyer to preside over case where regular judge or chancellor is incompetent. Amends TCA Title 17, Chapter 2. by *McDonald (*SB1192 by *Rochelle).

On motion, House Bill No. 1391 was made to conform with **Senate Bill No. 1192**; the Senate Bill was substituted for the House Bill.

Rep. McDonald moved that Senate Bill No. 1192 be passed on third and final consideration.

On motion, Rep. Buck withdrew Judiciary Committee Amendment No. 1

Rep. McDonald moved that **Senate Bill No. 1192** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes 97
Noes 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Shelby), Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 97.

A motion to reconsider was tabled.

House Bill No. 1259 -- Hospitals and Health Care Facilities -- Permits licensed practical nurses employed by licensed nursing homes to provide respiratory care under supervision of registered nurse or licensed physician. Amends TCA 63-6-410. by *McDaniel (*SB352 by *Cooper).

Rep. McDaniel requested that House Bill No. 1259 be moved to the heel of the Calendar, which motion prevailed.

***House Bill No. 1789** -- Industrial Development -- Eliminates industrial and agricultural development commission; creates Tennessee board for economic growth. Amends TCA 4-14-101. by *Bittle, *Kerr,

*Clabough, *Patton, *Westmoreland, *Duer, *Davis, *McDaniel, *Williams (Union), *Kent, *Newton, *Beavers, *Boyer, *Sharp, *Cantrell, *Ford S, *Hicks, *McKee, *Peach, *Roach, *Bird, *Wood, *Haley (SB1777 by *Miller J, *Atchley, *Elsea, *Carter, *Haun, *McNally and *Person).

Rep. McDaniel requested that House Bill No. 1259 be moved to the heel of the Calendar, which motion prevailed.

House Bill No. 594 -- Motor Vehicles, Titling and Registration -- Requires passing motor vehicle emissions test in order to receive or renew motor vehicle registration in Shelby County. Amends TCA Title 55, Chapter 4; Title 68, Chapter 201. by *Bowers, *DeBerry J, *Towns, *Jones R (Shelby), *DeBerry L, *Miller L, *Turner (Shelby), *Jones U (Shelby), *Brooks (*SB568 by *Dixon).

Rep. Bowers requested that House Bill No. 594 be moved down five places on the Calendar, which motion prevailed.

House Bill No. 1338 -- Medical Occupations -- Provides for licensure of home medical equipment providers. Amends TCA Title 68, Chapter 11, Part 1 and Title 68, Chapter 11, Part 2. by *Odom (*SB1122 by *Cooper).

On motion, House Bill No. 1338 was made to conform with **Senate Bill No. 1122**; the Senate Bill was substituted for the House Bill.

Rep. Odom moved that Senate Bill No. 1122 be passed on third and final consideration.

On motion, Rep. Byrd withdrew Health and Human Resources Committee Amendment No. 1

Rep. Odom moved that **Senate Bill No. 1122** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	93
Noes	3

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Cantrell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Shelby), Walley, West, Westmoreland, White, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 93.

Representatives voting no were: Burchett, Coffey, Rhinehart -- 3.

A motion to reconsider was tabled.

House Bill No. 212 -- Medical Occupations -- Revises membership of board of occupational and physical therapists; revises renewal of memberships to be based on applicant's birth month and birth year. Amends TCA 6313-103, 303, 306. by *Odom, *Walley (*SB121 by *Holcomb).

On motion, House Bill No. 212 was made to conform with **Senate Bill No. 121**; the Senate Bill was substituted for the House Bill.

Rep. Odom moved that Senate Bill No. 121 be passed on third and final consideration.

On motion, Rep. Byrd withdrew Health and Human Resources Committee Amendment No. 1.

Rep. Odom moved that **Senate Bill No. 121** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes 96
Noes 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Garrett, Givens, Gunnels, Haley, Haltzman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Shelby), Walley, West, Westmoreland, White, Whitson, Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 96.

A motion to reconsider was tabled.

REQUEST TO CHANGE VOTE

Pursuant to **Rule No. 31**, the following member(s) desire to change their original stand from yes to present and not voting on Senate Bill No. 121 and have this statement entered in the Journal: Rep(s). Winningham.

REGULAR CALENDAR, CONTINUED

House Bill No. 828 -- Medical Occupations -- Increases maximum fine from \$250 to \$300 nursing home administrator may be assessed for fraudulently obtaining license. Amends TCA Title 4 and Title 63. by *Odom, *Cross, *Jones, S. (*SB1060 by *Crutchfield).

Rep. Rhinehart requested that House Bill No. 828 be moved down five places on the Calendar, which motion prevailed.

MESSAGE FROM THE SENATE
April 27, 1995

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 121; substituted for Senate Bill(s) on the same subject(s), amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE
April 27, 1995

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 612; substituted for Senate Bill(s) on the same subject(s), amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

REGULAR CALENDAR, CONTINUED

House Bill No. 1474 -- Licenses -- Enacts "Massage Registration Act of 1995." Amends TCA Title 63, Chapter 18, Part 1. by *Chumney, *Bowers, *DeBerry L, *Pinion, *DeBerry J, *Wood, *Hassell, *Joyce, *Odom, *Haley (*SB863 by *Jordan, *Person).

Rep. Chumney moved that House Bill No. 1474 be passed on third and final consideration.

Rep. Byrd moved adoption of Health and Human Resources Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 1474 by deleting all of the language after the enacting clause and by substituting instead the following:

Section 1. Tennessee Code Annotated, Title 63, is amended by deleting Chapter 18 in its entirety and by substituting instead Sections 2 through 17 of this act as new Chapter 18.

Section 2. This chapter shall be known and may be cited as the "Massage Licensure Act of 1995" .

Section 3. As used in this chapter, unless the context otherwise requires:

(a) "Board" means the massage licensure board;

(b) "Compensation" means the payment, advance, donation, contribution, anything of loan, deposit or gift of money or value;

(c) "Massage/bodywork somatic" means the manipulation of the soft tissues of the body with the intention of positively affecting the health and well-being of the client;

of (d) "Massage establishment" means a place
and business wherein massage is practiced;

who practices (e) "Massage therapist" means a person
licensed by the board. massage for compensation and is

Section 4.

message licensure (a) There is hereby created the Tennessee
board.

members who (b) The board shall be composed of seven (7)
for a citizen member, each member are residents of the state. Except
three (3) years current experience in the practice of shall have at least
massage. Persons with a conflict of interest are ineligible for
membership on the board.

governor. Initial (c) All members shall be appointed by the
be as follows: appointments to the board shall

one (1) (1) Three (3) members shall serve terms of
year; and

two (2) (2) Four (4) members shall serve terms of
years.

citizen member (d) Except for one (1) member who shall be a
all board members shall be duly with no financial interest in massage,
to be licensed by the board. licensed or eligible

have the (e) Subsequent appointees to the board shall
by their predecessors and shall be professional qualifications required
two-year terms. Each member shall serve until his or her appointed to
no successor is appointed and qualified, unless such board member is
Any vacancy on longer competently performing the duties of office.
governor for the balance of the the board shall be filled by the
The governor may remove members of the board unexpired term.
office for cause. from

board, a (f) For each day engaged in the business of the
dollars (\$50.00), and member shall receive as compensation fifty
expenses to be paid in accordance with the shall also receive actual
comprehensive travel regulations promulgated by the commissioner
of finance and administration and approved by the
attorney general and reporter.

annually a chair and (g) The members of the board shall elect
a secretary/treasurer.

be reasonably (h) The board shall meet as frequently as shall
of this chapter. necessary to implement the provisions
Four (4) or more members of the

board shall constitute a quorum for the purpose of transacting board business.

(i) For administrative purposes, the board shall be attached to the division of health-related boards as defined in § 68-1-101, herein referred to as "division", which shall supply support.

Section 5.

(a) Persons or massage establishments engaged in massage for compensation shall be licensed by the massage licensure board.

(b) Any person who has applied to take the National Certification Examination in Therapeutic Massage and Bodywork, or an equivalent certification, and whose application to take such examination has been accepted, may receive a provisional license by the board not to exceed six (6) weeks beyond the examination date.

(c) Any person or establishment who advertises or engages in massage for compensation without a current valid license from the massage licensure board commits a Class B misdemeanor. It is unlawful to use the word "massage" or any other term that implies massage technique or method when advertising a service by a person who is not licensed under this chapter or another chapter of the state law.

Section 6.

(a) The board shall establish procedures and criteria for the issuance of licenses to persons and establishments engaged in massage for compensation.

(b) No person or establishment shall be issued a license until the applicant and each person engaged in massage at such massage establishment has provided evidence satisfactory to the board that:

(1) The applicant is eighteen (18) years or older;

(2) The applicant has not been convicted of the offense of prostitution or sexual misconduct, or felony under the laws of this state;

(3) The applicant has either:

(a) successfully completed the curriculum or curriculums of one or more post secondary, academic institutions(s) for massage, bodywork, and/or somatic therapy totaling five hundred (500) hours or more, such institutions being approved by the Tennessee Higher

Education Commission or its equivalent in other states;

or

(b) received the designation of "Nationally Certified" or "Internationally Certified" by the National Certification Board of Therapeutic Massage and Bodywork or other massage therapist certifying agency approved by the National Commission for Certifying Agencies; or

(c) documented upon the effective date of this act, active membership in good standing of the American Massage Therapy Association, professional membership in the Associated Bodywork and Massage Professional, or membership in the Tennessee Massage Therapy Association presented to the satisfaction of the board within six (6) months of the effective date of this act; or

(d) accrued, prior to the effective date of this act, five hundred (500) hours of documented experience as a massage therapist with the documented experience presented to the satisfaction of the board within six (6) months of the effective date of this act; and

(4) All required fees have been paid.

Section 7. In order to effectuate the provisions of this chapter, the board or its authorized representative is empowered to conduct investigation of persons engaged in massage or massage establishments and to inspect the license of practitioners and establishments for compliance.

The refusal of a practitioner or establishment to permit inspections shall be grounds for revocation, suspension or refusal to issue a license pursuant to this chapter.

Section 8. The board has the power and authority to enter into any court of this state having proper jurisdiction to seek an injunction against any person or massage establishment not in compliance with the provisions of this chapter, and is further empowered to enter into any such court to enforce the provisions of this chapter in order to ensure compliance with such provisions.

Section 9. The license of a massage therapist may be revoked, suspended or annulled by the board for any of the following:

(a) The license is guilty of fraud in the practice of massage, or fraud or deceit in the licensee's admission to the practice of massage;

(b) The licensee has been convicted in a court of competent jurisdiction of an offense which constitutes a felony under the laws of this state;

(c) The licensee is engaged in the practice of false or assumed name, or is impersonating another practitioner of a like or different name;

(d) The licensee is addicted to the habitual use of intoxicating liquors, drugs or stimulants to such an extent as to incapacitate such person's performance of professional duties;

(e) The licensee is guilty of fraudulent, false, misleading or deceptive advertising, or for prescribing medicines or drugs, or practicing any licensed profession without legal authority;

(f) The licensee is guilty of willful negligence in the practice of massage, or has been guilty of employing, allowing or permitting any unlicensed person to perform massage in such licensee's establishment;

(g) The licensee has violated any of the provisions of this chapter or any substantive rule promulgated under the authority of this chapter; or

(h) The licensee has been convicted of sexual misconduct, assignation or the solicitation or attempt thereof.

Section 10.

(a) Charges relative to a violation of this chapter may be presented by any person, or the board may, on its own motion, direct the chair of the board to present charges. An accusation may be filed with the chair of the board, charging any licensed massage therapist with any of the offenses enumerated in Section 9 of this act.

(b) The board shall provide applicants denied issuance of a license or practitioners whose license is suspended, revoked or not renewed, a hearing on such suspension, revocation or nonrenewal, which hearing shall be conducted pursuant to the provisions of the Uniform Administrative Procedures Act compiled in Title 4, Chapter 5. Upon a decision of the board to refuse to issue, revoke or not to renew a license, the practitioner or establishment shall be prohibited from engaging in massage until the board's decision is overturned.

Section 11.

(a) Any person granted an exemption under this chapter is effective only to the extent that the bona fide practice of the profession or

business that is licensed, certified, or registered under the laws of this state overlaps into the field comprehended by this chapter, and exemptions under this chapter are only for those activities which are performed in the course of the bona fide practice of the business or profession of the person exempted;

(b) Persons exempt under Section 11(a) include, but are not limited to: any branch of medicine, nursing, osteopathy, chiropractic, podiatry, and also barbers, cosmetologists, athletic trainers, physical and occupational therapists;

(c) Any student of a Tennessee Higher Education Commission-authorized massage school or public school of this state provided the student does not hold himself or herself out as a licensed massage therapist and does not receive compensation for massage; and

(d) Nothing in this part shall apply to massage therapists licensed in other states or countries or meeting standards set forward in Section 6 of this act when providing educational programs or services for a period of time not to exceed thirty (30) days within a calendar year.

Section 12.

(a) The board is hereby authorized to promulgate, in accordance with the provisions of the Uniform Administrative Procedures Act, compiled in Title 4, Chapter 5, such rules and regulations as are necessary to implement the provisions of this chapter.

(b) The board may adopt reasonable rules and regulations regarding personal cleanliness of massage therapists, and the sanitary condition of towels, linen, creams, lotions, oils and other materials, facilities and equipment used in the practice of massage.

(c) All fees for licensure, renewal of licensure, and all other related matters shall be set by the board.

(d) All continuing education and other requirements for renewal of licensure not enumerated in this chapter shall be set by the board.

Section 13. The board may, at its discretion, grant licensure to any person who is licensed or registered in another state or country with standards as stringent as those required by the provisions of this chapter.

Section 14. Notwithstanding any provisions of law to the contrary, the act of a duly licensed massage therapist in performing a massage shall be deemed to be medically therapeutic in nature and shall not be subject to the collection of any form of state or local taxation regulations

not also imposed on other medically therapeutic activities.

Section 15. If any provisions of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

Section 16. Tennessee Code Annotated, Section 4-29-218(a), is amended by adding a new item thereto, as follows:

() Massage licensure board, created by Section 4 of this act;

Section 17. For the purpose of appointing members to the board and for promulgating rules and regulations, this act shall take effect upon becoming a law, the public welfare requiring it. For all other purposes this act shall take effect October 1, 1995, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Rep. Byrd moved adoption of Health and Human Resources Committee Amendment No. 2 as follows:

Amendment No. 2

AMEND House Bill No. 1474 by deleting from Section 4 subsection (b), as amended by House Health & Human Resources Committee Amendment No. 1, the language " Except for a citizen member", and by substituting instead the language " Except for the two (2) citizen members" .

AND FURTHER AMEND by deleting from Section 4 subsection (d), as amended, the language " Except for one (1) member who shall be a citizen member" , and by substituting instead the language " Except for two (2) members who shall be citizen members" .

On motion, Amendment No. 2 was adopted.

Rep. Duer moved adoption of Amendment No. 3 as follows:

Amendment No. 3

AMEND House Bill No. 1474 by adding the following language as a new, appropriately designated section immediately preceding the severability clause, and by redesignating subsequent sections accordingly:

Section ____ . No person licensed by the massage licensure board shall ever be referred to as a primary care provider nor be permitted to use such designation.

On motion, Amendment No. 3 was adopted.

Rep. Chumney moved adoption of Amendment No. 4 as follows:

Amendment No. 4

AMEND House Bill No. 1474 by adding the following at the end of subdivision (5) of Section 9 of Amendment No. 1:

The licensee may not diagnose, or imply or advertise services for a condition that would require a diagnosis.

On motion, Amendment No. 4 was adopted.

Rep. Chumney moved that **House Bill No. 1474**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes 96
Noes 1

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kieber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Shelby), Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 96.

Representatives voting no were: Duer -- 1.

A motion to reconsider was tabled.

REQUEST TO CHANGE VOTE

Pursuant to **Rule No. 31**, the following member(s) desire to change their original stand from no to aye on House Bill No. 1474 and have this statement entered in the Journal: Rep(s). Duer.

REGULAR CALENDAR, CONTINUED

House Bill No. 1637 -- Memphis -- Subject to local approval, permits election of school board members to staggered terms beginning with the October 1995 election; sets election day same as regular November election beginning in year 2000. Amends Chapter 39, Acts of 1868-1869, as amended. by *Chumney, *Jones U (Shelby), *Bowers, *DeBerry J, *Brooks (*SB1156 by *Kyle).

Rep. Chumney moved that House Bill No. 1637 be reset to the Calendar for Wednesday, May 17, 1995, which motion prevailed.

House Bill No. 594 -- Motor Vehicles, Titling and Registration
-- Requires passing motor vehicle emissions test in order to receive
or renew motor vehicle registration in Shelby County. Amends TCA Title
55, Chapter 4; Title 68, Chapter 201. by *Bowers, *DeBerry J,
*Towns, *Jones R (Shelby), *DeBerry L, *Miller L, *Turner (Shelby),
*Jones U (Shelby), *Brooks (*SB568 by *Dixon).

Further consideration of House Bill No. 594 previously considered
on today's Calendar.

Rep. Napier moved adoption of Conservation and Environment
Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 594 in the amendatory language of
Section 1 by deleting the word " a " between the language
" successfully complete" and " motor vehicle emissions" and by
substituting instead the language " an annual" .

AND FURTHER AMEND by adding the following new language at
the end of the amendatory language of Section 1:

The affected jurisdiction is authorized to operate a
motor vehicle emissions testing program or to contract
for the operation of such program.

AND FURTHER AMEND by adding the following as a new Section 2
and by redesignating subsequent sections accordingly:

Section 2. Section 1 shall take effect from the
earlier occurring of either of the following dates:

(a) Thirty (30) days after an ambient air carbon
monoxide monitor located in an affected
jurisdiction, operated by the local agency or
department or state agency and designated by the
environmental protection agency (EPA) as a part of National
Ambient Air Monitor System (NAMS) or the State and
Local Ambient Air Monitor System (SLAMS) records a
violation of the National Ambient Air Quality
Standard (NAAQS) for carbon monoxide, or

(b) Thirty (30) days after any required carbon
monoxide emissions inventory required by a
redesignation plan or other federally mandated requirement
is approved by EPA and shows a carbon monoxide level
above the 1990 baseline levels that were established
in a redesignation document submitted to and approved by the
environmental protection agency.

The jurisdiction shall then have one hundred and
eighty (180) days from the effective date to begin
an annual vehicle emissions testing program.

On motion, Amendment No. 1 was adopted.

Rep. Joyce moved adoption of Amendment No. 2 as follows:

Amendment No. 2

AMEND House Bill No. 594 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section _____. Nothing in this act shall require any county to which this act applies to operate the program in a manner which is not required by federal law.

Rep. Bowers moved that Amendment No. 2 be tabled, which motion prevailed by the following vote:

Ayes	43
Noes	40
Present and not voting	3

Representatives voting aye were: Bell, Bragg, Brooks, Brown, Buck, Byrd, Chumney, Cross, Curtiss, Davidson, DeBerry, J, DeBerry, L., Eckles, Fitzhugh, Givens, Hargrove, Herron, Jackson, Jones, R (Shelby), Jones, S, Jones, U (Shelby), Kernell, Kisber, Langster, McDonald, McMillan, Miller, Phillips, Pinion, Pruitt, Purcell, Ridgeway, Rinks, Ritchie, Robinson, Tindell, Towns, Turner (Shelby), West, White, Williams (Williamson), Winningham, Mr. Speaker Naifeh -- 43.

Representatives voting no were: Arriola, Beavers, Bird, Bittle, Boyer, Burchett, Callicott, Clabough, Coffey, Cole (Carter), Davis, Duer, Dunn, Ford, Fowlkes, Gunnels, Haley, Halteman Harwell, Hassell, Hicks, Huskey, Joyce, Kent, Kerr, Lewis, McAfee, McDaniel, Newton, Patton, Peach, Ramsey, Roach, Sharp, Shirley, Stamps, Walley, Westmoreland, Whitson, Williams (Union), Wood -- 40.

Representatives present and not voting were: Rhinehart, Rigsby, Windle -- 3.

Rep. Haley moved the previous question, which motion prevailed.

Rep. Bowers moved that **House Bill No. 594**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	90
Noes	5
Present and not voting	1

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Cantrell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J, DeBerry, L., Duer, Eckles, Fitzhugh, Ford, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R (Shelby), Jones, S, Jones, U (Shelby), Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Stamps, Stulce, Tindell, Towns, Turner (Shelby), Walley, West, Westmoreland, White,

Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 90.

Representatives voting no were: Burchett, Coffey, Dunn, Joyce, Shirley -- 5.

Representatives present and not voting were: Newton -- 1.

A motion to reconsider was tabled.

***Senate Joint Resolution No. 58** -- General Assembly, Directed Studies -- Directs department of finance and administration to conduct study relative to increased utilization of home and community based long-term care services as alternatives to nursing home care. by *Henry, *Cohen.

Rep. Buck moved that the House concur in Senate Joint Resolution No. 58.

On motion, Rep. Byrd withdrew Health and Human Resources Committee Amendment No. 1

On motion, Rep. Byrd withdrew Health and Human Resources Committee Amendment No. 2

Rep. Buck moved that the House concur in **Senate Joint Resolution No. 58**, which motion prevailed be the following vote:

Ayes	95
Noes	0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J, DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R (Shelby), Jones, S, Jones, U (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McDonald, McDonald, McKee, McMillan, Miller, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Shelby), Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 95.

A motion to reconsider was tabled.

House Bill No. 735 -- DUI/DWI Offenses -- Removes right of first time offender to serve 48 hour sentence at time when person is off from work and confinement will not interfere with person's regular employment. Amends TCA 55-10-403. by *Herron, *Haley, *Walley, *McDonald, *Ridgeway, *Lewis, *Pinion, *West, *Halteman Harwell, *Williams (Union) (*SB1389 by *Gilbert).

Rep. Herron moved that House Bill No. 735 be reset to the Calendar for Wednesday, May 17, 1995, which motion prevailed.

House Bill No. 828 -- Medical Occupations -- Increases maximum fine from \$250 to \$300 nursing home administrator may be assessed for fraudulently obtaining license. Amends TCA Title 4 and Title 63. by *Odom, *Cross, *Jones, S. (*SB1060 by *Crutchfield).

Rep. Odom moved that House Bill No. 828 be passed on third and final consideration.

Rep. Byrd moved adoption of Health and Human Resources Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 828 by deleting all language after the enacting clause and by substituting instead the following:

Section 1. Tennessee Code Annotated, Section 63-7-123, is amended by adding the following language as a new subsection (d):

(d) Any rules which purport to regulate the supervision of nurse practitioners by physicians shall be jointly adopted by the board of medical examiners and the board of nursing.

Section 2. Tennessee Code Annotated, Section 63-19-106, is amended by adding the following language as a new subsection (c):

(c) Any rules which purport to regulate the supervision of physician assistants by physicians shall be jointly adopted by the board of medical examiners and the committee on physician assistants.

Section 3. This act shall take effect upon becoming a law, the public welfare requiring it.

Rep. Rhinehart moved that House Bill No. 828 be reset to the Calendar for Wednesday, May 17, 1995.

Rep. Odom moved that Rep. Rhinehart's motion be tabled, which motion prevailed by the following vote:

Ayes	59
Noes	31
Present and not voting	1

Representatives voting aye were: Armstrong, Beavers, Bell, Bird, Bowers, Brooks, Brown, Buck, Byrd, Callicott, Cole (Carter), Cole (Dyer), Cross, DeBerry, J, DeBerry, L, Dunn, Fitzhugh, Fowlkes, Garrett, Givens, Gunnels, Halteman Harwell, Hargrove, Hassell, Herron, Jackson, Jones, R (Shelby), Jones, S, Jones, U (Shelby), Kent, Kernell, Kisber, Langster, McDaniel, McDonald, McMillan, Miller, Odom, Patton, Peach, Phillips, Pinion, Pruitt, Purcell, Ramsey, Ridgeway, Ritchie, Roach, Robinson, Stamps, Tindell, Towns, Turner (Shelby), West, Westmoreland, White, Williams (Union), Winningham, Wood -- 59.

Representatives voting no were: Arriola, Bittle, Boyer, Burchett, Cantrell, Clabough, Coffey, Curtiss, Davidson, Davis, Duer, Eckles, Ford, Head, Hicks, Huskey, Joyce, Kerr, Lewis, McAfee, McKee, Newton, Rhinehart, Rigsby, Rinks, Sharp, Shirley, Stulce, Whitson, Williams (Williamson), Windle -- 31.

Representatives present and not voting were: Bragg -- 1.

Rep. Jackson moved the previous question on Amendment No. 1, which motion prevailed by the following vote:

Ayes 62
Noes 24

Representatives voting aye were: Armstrong, Bell, Bird, Bowers, Bragg, Brooks, Brown, Buck, Byrd, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cross, DeBerry, J. DeBerry, L., Dunn, Fitzhugh, Ford, Fowlkes, Givens, Gunnels, Halteman Harwell, Herron, Hicks, Jackson, Jones, R (Shelby), Jones, S, Jones, U (Shelby), Joyce, Kent, Kernell, Kisber, Langster, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Odom, Patton, Peach, Phelan, Phillips, Pruitt, Purcell, Ramsey, Ridgeway, Ritchie, Roach, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Shelby), Walley, West, White, Winningham, Wood -- 62.

Representatives voting no were: Arriola, Beavers, Bittle, Boyer, Burchett, Callicott, Cantrell, Coffey, Curtiss, Davidson, Duer, Eckles, Hassell, Head, Kerr, Lewis, Newton, Rhinehart, Rigsby, Sharp, Westmoreland, Williams (Union), Williams (Williamson), Windle -- 24.

On motion, Amendment No. 1 was adopted.

Rep. Odom moved that **House Bill No. 828**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes 78
Noes 13
Present and not voting 1

Representatives voting aye were: Armstrong, Bell, Bird, Bittle, Bowers, Boyer, Brooks, Brown, Buck, Byrd, Callicott, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J. DeBerry, L., Dunn, Fitzhugh, Ford, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Jackson, Jones, R (Shelby), Jones, S, Jones, U (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Odom, Patton, Peach, Phelan, Phillips, Pruitt, Purcell, Ramsey, Ridgeway, Rigsby, Ritchie, Roach, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Shelby), Walley, West, White, Whitson, Williams (Union), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 78.

Representatives voting no were: Arriola, Beavers, Burchett, Cantrell, Coffey, Duer, Eckles, Hicks, Newton, Rhinehart, Rinks, Westmoreland, Williams (Williamson) -- 13.

Representatives present and not voting were: Bragg -- 1.

A motion to reconsider was tabled.

House Bill No. 891 -- Criminal Offenses -- Creates offense of carjacking, punishable as Class B felony. Amends TCA Title 39, Chapter 13, Part 4. by *Herron (*SB1325 by *Cohen).

On motion, House Bill No. 891 was made to conform with **Senate Bill No. 1325**; the Senate Bill was substituted for the House Bill.

Rep. Herron moved that Senate Bill No. 1325 be passed on third and final consideration.

Rep. Buck moved adoption of Judiciary Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND Senate Bill No. 1325 by adding the following as a new section immediately preceding the effective date section and by renumbering the effective date section accordingly:

Section _____. The provisions of this act shall not be construed to be an appropriation of funds and no funds shall be obligated or expended pursuant to this act unless such funds are specifically appropriated by the general appropriations act.

On motion, Amendment No. 1 was adopted.

Rep. Herron moved that **Senate Bill No. 1325**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes 92
Noes 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J, DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Jackson, Jones, S. Jones, U (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Shelby), Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 92.

A motion to reconsider was tabled.

REQUEST TO CHANGE VOTE

Pursuant to **Rule No. 31**, the following member(s) desire to change their original stand from not voting to aye on Senate Bill No. 1325 and have this statement entered in the Journal: Rep(s). McMillan.

REGULAR CALENDAR, CONTINUED

House Bill No. 555 -- Victims Rights -- Removes right of person to legally change name if convicted of first or second degree murder, rape or aggravated rape, or child sexual abuse. Amends TCA Title 29, Chapter 8, Part 1. by *Halteman Harwell, *Stamps, *Coffey, *Haley (*SB403 by *Jordan).

On motion, House Bill No. 555 was made to conform with **Senate Bill No. 403**; the Senate Bill was substituted for the House Bill.

Rep. Halteman Harwell moved that Senate Bill No. 403 be passed on third and final consideration.

On motion, Rep. Buck withdrew Judiciary Committee Amendment No. 1.

Rep. Halteman Harwell moved that **Senate Bill No. 403** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	90
Noes	3
Present and not voting	1

Representatives voting aye were: Armstrong, Arriola, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Sharp, Shirley, Stamps, Stulce, Tindell, Turner (Shelby), Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 90.

Representatives voting no were: Brooks, Brown, Towns -- 3.

Representatives present and not voting were: Miller -- 1.

A motion to reconsider was tabled.

REQUEST TO CHANGE VOTE

Pursuant to **Rule No. 31**, the following member(s) desire to change their original stand from not voting to aye on Senate Bill No. 403 and have this statement entered in the Journal: Rep(s). McMillan and Beavers.

REGULAR CALENDAR, CONTINUED

***House Joint Resolution No. 50** -- General Assembly, Directed Studies -- Directs cabinet for economic development to study businesses owned by women in Tennessee. by *Halteman Harwell, *Turner (Hamilton).

Rep. Halteman Harwell moved that House Joint Resolution No. 50 be adopted.

Rep. Rhinehart moved adoption of Commerce Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Joint Resolution No. 50 by deleting from the caption of the printed resolution the language " Cabinet for Economic Development" and by substituting instead the language " Department of Economic and Community Development" .

AND FURTHER AMEND by deleting from the first resolving clause of the printed resolution the language " Cabinet for Economic Development" and by substituting instead the language " Department of Economic and Community Development" .

AND FURTHER AMEND by deleting from the second resolving clause of the printed resolution the language " Cabinet for Economic Development" and by substituting instead the language " Department of Economic and Community Development" .

AND FURTHER AMEND by deleting the sixth resolving clause of the printed resolution and by substituting instead the following language:

BE IT FURTHER RESOLVED, That the members of the task force shall receive no compensation for their services.

AND FURTHER AMEND by deleting from the seventh and final resolving clause of the printed resolution the language " October 1, 1996" and by substituting instead the language " October 1, 1997" .

AND FURTHER AMEND by adding the following language immediately preceding the seventh and final resolving clause of the printed resolution:

BE IT FURTHER RESOLVED, That all state agencies shall provide information and otherwise assist the department in the completion of such study, at the request of the Commissioner of Economic and Community Development.

On motion, Amendment No. 1 was adopted.

Rep. Halteman Harwell moved that **House Joint Resolution No. 50** be adopted, which motion prevailed by the following vote:

Ayes 91
Noes 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J, DeBerry, L., Duer, Dunn, Fitzhugh, Ford, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S, Joyce, Kent, Kernell, Kisber, Lewis, McAfee, McDaniel, McDonald, McKee, Miller,

Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Shelby), Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 91.

A motion to reconsider was tabled.

REQUEST TO CHANGE VOTE

Pursuant to **Rule No. 31**, the following member(s) desire to change their original stand from not voting to aye on House Joint Resolution No. 50 and have this statement entered in the Journal: Rep(s). McMillan.

REGULAR CALENDAR, CONTINUED

***House Bill No. 554** -- Smoking -- Enacts "Children's Act for Clean Indoor Air" regulating smoking of tobacco in public places children frequent. by *Halteman Harwell, *Coffey (SB590 by *Henry, *Cohen, *McNally).

Rep. Halteman Harwell moved that House Bill No. 554 be reset to the Calendar for Wednesday, May 17, 1995, which motion prevailed.

***House Joint Resolution No. 129** -- Constitutional Amendments -- Proposes amendment to Article I, Section 32 of Constitution to remove requirement that prisons be comfortable. by *Buck, *Pinion, *Winningham, *Bell, *Herron, *Haley, *Givens, *Ramsey, *Rinks, *Westmoreland, *Williams (Union), *Walley, *Curtiss, *Fitzhugh, *Boyer, *Bird, *McDonald, *Stamps, *Halteman Harwell, *Cantrell.

Further consideration of House Joint Resolution No. 129 previously considered on April 20, 1995 and April 26, 1995 and reset for today's Calendar.

Rep. Buck requested that the Clerk read the Resolution for the third and final constitutional reading.

Rep. Buck moved that House Joint Resolution No. 129 be adopted.

Rep. Williams (Union) moved the previous question, which motion prevailed.

Rep. Buck moved that **House Joint Resolution No. 129** be adopted, which motion prevailed by the following vote:

Ayes 87
Noes 8
Present and not voting 1

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Boyer, Bragg, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, L, Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, S, Joyce, Kent, Kernell, Kerr, Kisber, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton,

Peach, Phelan, Phillips, Pinion, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 87.

Representatives voting no were: Bowers, Brooks, Brown, DeBerry, J, Jones, R (Shelby), Langster, Pruitt, Turner (Shelby) -- 8.

Representatives present and not voting were: Jones, U (Shelby) -- 1.

A motion to reconsider was tabled.

House Bill No. 1259 -- Hospitals and Health Care Facilities -- Permits licensed practical nurses employed by licensed nursing homes to provide respiratory care under supervision of registered nurse or licensed physician. Amends TCA 63-6-410. by *McDaniel (*SB352 by *Cooper).

Rep. McDaniel moved that House Bill No. 1259 be passed on third and final consideration.

Rep. Byrd moved adoption of Health and Human Resources Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 1259 by deleting Sections 1 and 2 of the printed bill in their entirety and by substituting the following:

SECTION 1. Tennessee Code Annotated, Section 63-6-410(b), is amended by deleting the period at the end of the subsection and by adding the following: " or to licensed practical nurses employed by licensed nursing

homes when such person is under the supervision of a registered nurse or a licensed physician, and so long as such licensed practical nurse does not maintain and manage life support systems."

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Rep. McDaniel moved that **House Bill No. 1259**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes 94

Noes 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Lewis, McAfee,

McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Shelby), Walley, West, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 94.

A motion to reconsider was tabled.

***House Bill No. 1789** -- Industrial Development -- Eliminates industrial and agricultural development commission; creates Tennessee board for economic growth. Amends TCA 4-14-101. by *Bittle, *Kerr, *Clabough, *Patton, *Westmoreland, *Duer, *Davis, *McDaniel, *Williams (Union), *Kent, *Newton, *Beavers, *Boyer, *Sharp, *Cantrell, *Ford S, *Hicks, *McKee, *Peach, *Roach, *Bird, *Wood, *Haley (SBI777 by *Miller J, *Atchley, *Elsea, *Carter, *Haun, *McNally, *Person).

Rep. Bittle moved that House Bill No. 1789 be passed on third and final consideration.

Rep. Jones R. (Shelby) moved adoption of State and Local Government Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 1789 by deleting subsection (e) of Section 1 of the printed bill in its entirety and by substituting instead the following:

(e) The governor shall strive to ensure that least one (1) person serving on the board is a female and at least one (1) person serving on the board is a member of a racial minority.

On motion, Amendment No. 1 was adopted.

Rep. Kisber moved the previous question, which motion prevailed.

Rep. Bittle moved that **House Bill No. 1789**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	93
Noes	0
Present and not voting	1

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J, DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jones, R (Shelby), Jones, S, Jones, U (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Shelby), Walley, West, Westmoreland, White, Whitson,

Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 93.

Representatives present and not voting were: Brooks -- 1.

A motion to reconsider was tabled.

RULES SUSPENDED

RECOGNITION

Rep. Windle was recognized at the Well to introduce the 1994-1995 Clark Range High School Girl's Basketball Team TSSAA State Tournament Champions. The Clerk read House Resolution No. 71.

MESSAGE CALENDAR

HOUSE ACTION ON SENATE AMENDMENTS

House Bill No. 483 -- Highway Signs -- Extends pilot project on tourist oriented directional signs from 12/31/94 to 12/31/95. Amends TCA Title 54, Chapter 5, Part 13. by *Gunnels, *Kerr, *McKee, *Clabough, *Buck, *Bragg, *Ridgeway (*SB526 by *Miller J).

Senate Amendment No. 1

AMEND House Bill No. 483 by deleting in its entirety all the language following the enacting clause, and by substituting instead the following language:

SECTION 1. Tennessee Code Annotated, Title 54, Chapter 5, is amended by deleting Part 13 in its entirety, and by substituting instead Sections 2 through 4 of this act as a new Part 13.

SECTION 2.

(a) The department of transportation is authorized to erect tourist-oriented directional signs, hereinafter referred to as TODS, within the rights-of-way of state highways. In erecting such signs, the department shall utilize the experience gained in erecting such signs during the period the pilot project established pursuant to Chapter 505 of the Public Acts of 1993 was in operation.

(b) TODS shall be available to lawful cultural, historical, recreational, agricultural, educational, or entertaining activities; state and national parks; and commercial activities which are unique and local in nature; and the major portion of whose income or visitors are derived during its normal business season from motorists not residing in the immediate area of the activity.

SECTION 3. In all respects, the erection of TODS shall:

Control (1) Comply with the Manual on Uniform Traffic Devices;

authorities; and (2) Comply with local zoning and local zoning

scenic highways, (3) Comply with all laws and regulations for in accordance with Title 54, Chapter 17, Part 1, and scenic parkways, Title 54, Chapter 17, Part 2.

SECTION 4. The department of transportation shall promulgate necessary rules and regulations to accomplish the effect and intent of this act. Such regulations shall define eligible users of TODS; provide for the department to charge fees to cover the cost of signing; and address other topics suggested in the Manual on Uniform Traffic Control Devices.

SECTION 5. For purposes of promulgating rules and regulations, this act shall take effect upon becoming a law, the public welfare requiring it. For all other purposes, this act shall take effect July 1, 1995, the public welfare requiring it.

Senate Amendment No. 1 to Senate Amendment No. 1

AMEND House Bill No. 483 by deleting subsection (a) of Section 2 in its entirety, and by substituting instead the following language:

(a)(1) The department of transportation is authorized to conduct a tourist oriented directional signs program, hereinafter referred to as TODS, within the right-of-way of state highways by either the entry into administrative service and construction contracts or by the administration of the program with department personnel, at the option of the department of transportation.

(2) Contracts for administrative and construction services shall be subject to the provisions of §§12-4-109 through 12-4-111. Contracts for administrative and or construction services shall include provisions requiring appropriate corporate surety performance bond, security or cash. Contracts for such services shall be awarded based upon an objective, competitive bid basis to the lowest responsible bidder.

(3) Should the commissioner determine that it is in the best interest of the state for the department to conduct the provisions of the program set forth in this part through the award of an administrative service or construction contract or contracts, the scope of the services provided by such contracts shall be at the discretion of the commissioner.

Senate Amendment No. 3

AMEND House Bill No. 483 by adding the following new sections immediately preceding the last section and by renumbering the subsequent section accordingly:

Section _____. Tennessee Code Annotated, Title 54, Chapter 5, Part 13, is amended by adding the following as a new section to be appropriately designated:

Section _____. With respect to a TODS sign, the department shall not enter into a contract for the procurement of signs or other goods or for contracts for services unless the contract is objectively and competitively bid, pursuant to Tennessee Code Annotated, Section 12-4-109(a)(2). The department shall not use the request for proposals (RFP) procedure in the contracting process. Such signs shall be subject to the requirements of Tennessee Code Annotated, Title 54, Chapter 5, Part 11.

Senate Amendment No. 4

AMEND House Bill No. 483 by adding a new section to precede the effective date section:

For provisions of this act shall not apply to any scenic highway compiled in Title 55, Chapter 17, Part 1.

Rep. Gunnels moved that the House concur in Senate Amendment(s) No(s). 1 as amended, 3 and 4 to **House Bill No. 483**, which motion prevailed by the following vote:

Ayes 95
Noes 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J, DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R (Shelby), Jones, S, Jones, U (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Shelby), Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 95.

A motion to reconsider was tabled.

Senate Amendment No. 8

AMEND House Bill No. 483 by adding before the effective date section the following new section and by renumbering the effective date section accordingly:

SECTION _____. The provisions of this part shall be local in effect. The governing body of a municipality or county, by ordinance or resolution as appropriate,

shall accept the provisions of this part before they may be implemented within the boundaries of such local government.

Senate Amendment No. 1 to Senate Amendment No. 8

AMEND House Bill No. 483 by amending Amendment Number 8 by inserting the following language at the end of the first section of the amendment:

The governing body of the municipalities of counties choosing to accept the provisions of this part shall give notice to the Department of Transportation of its decision no later than January 1, 1996.

Rep. Gunnels moved that the House non-concur in Senate Amendment(s) No(s). 8 as amended to **House Bill No. 483**, which motion prevailed.

HOUSE ACTION ON SENATE AMENDMENTS

House Bill No. 651 -- Jails, Local Lock-ups Enacts "Inmate Reimbursement to the County Act of 1995." Amends TCA Title 41. by *Callicott, *Westmoreland, *Fowlkes, *McDaniel, *Williams (Williamson), *Davidson, *Coffey, *Rigsby, *Tindell, *Kent, *Kisber, *Herron, *McDonald, *Haley, *Ford S, *Curtiss, *Williams (Union), *Joyce, *Boyer, *Bittle, *Ridgeway, *Hargrove, *White, *Fitzhugh (*SB842 by *Jordan, *Holcomb, *McNally, *Miller J, *Kyle, *Haynes, *Rochelle).

Senate Amendment No. 1

AMEND House Bill No. 651 by deleting Section 5 in its entirety and renumbering the subsequent sections accordingly.

AND FURTHER AMEND by deleting subsection (a) from Section 8 and substituting instead the following:

The county executive may file a civil action to seek reimbursement from such inmate for maintenance and support of that person while he or she was an inmate, or for any other expense for which the county may be reimbursed under this act.

AND FURTHER AMEND by deleting from the second sentence of Section 12 the language "county treasurer" and substituting instead the language "county executive".

Senate Amendment No. 2

AMEND House Bill No. 651 by deleting Section 4 and substituting instead the following:

A county may seek reimbursement for any expense incurred by the county in relation to the charge or charges for which a person was sentenced to a county jail. The county may seek reimbursement for each person who is or was an inmate for not more than sixty dollars (\$60) a day for the expense of maintaining such inmate or the actual per diem cost of maintaining such inmate, whichever is less, for

the entire time the person was confined in the county jail, including any period of pretrial detention.

Senate Amendment No. 3

AMEND House Bill No. 651 by adding after Section 4 the following new section:

SECTION _____. The failure of an inmate to provide information on the inmate's financial status shall not be grounds for the denial by the county of any privilege ordinarily available to an inmate such as behavior or programmatic credits, parole, or participation in work programs.

Senate Amendment No. 4

AMEND House Bill No. 651 by deleting from Section 6 in its entirety and substituting instead the following:

At the request of the county executive or a designee of the county executive, the sheriff of the county shall forward to the county executive, or designee of the county executive a list containing the name of each inmate, the term of sentence, and the date of admission, together with information regarding the financial status of each inmate, as required by the county executive or designee of the county executive.

Rep. Callicott moved that the House concur in Senate Amendment(s) No(s). 1, 2, 3 and 4 to **House Bill No. 651**, which motion prevailed by the following vote:

Ayes 90
Noes 3

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jones, R (Shelby), Jones, S, Jones, U (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 90.

Representatives voting no were: Chumney, DeBerry, L., Turner (Shelby) -- 3.

A motion to reconsider was tabled.

Senate Amendment No. 5

AMEND House Bill No. 651 by deleting all of the language added to the bill by House Amendment No. 1.

Rep. Callicott moved that the House non-concur in Senate Amendment(s) No(s). 5 to **House Bill No. 651**, which motion prevailed.

REQUEST TO CHANGE VOTE

Pursuant to **Rule No. 31**, the following member(s) desire to change their original stand from aye to no on House Bill No. 651 and have this statement entered in the Journal: Rep(s). Jones R (Shelby).

MESSAGE CALENDAR, CONTINUED

HOUSE ACTION ON SENATE AMENDMENTS

House Bill No. 886 -- Taxes -- Changes time period for notifying assessor and paying taxes after selling or terminating business from 15 to 20 days Amends TCA Title 67. by *Davis, *Rhinehart (*SB414 by *McNally).

Senate Amendment No. 2

AMEND House Bill No. 886 by deleting all language following the enacting clause and by substituting instead the following:

Section 1. Tennessee Code Annotated, Section 67-6-510, is amended by designating the existing language as subsection (a) and by adding the following new subsection:

(b) A motor vehicle dealer having previously titled and registered a motor vehicle in the dealership name for business use, and having paid the appropriate sales or use tax on such vehicle, shall be allowed a trade-in credit equal to the trade-in value of such vehicle against the purchase price of a new or used vehicle purchased or extracted from such dealer's inventory to be titled and registered as a replacement vehicle for business use and the sales or use tax shall be paid on the net difference.

The trade-in value authorized by this subsection shall be equal to the trade-in amount for the specific make and model as established by the NADA Official Used Car Guide, Southeastern Edition.

It is the legislative intent that a dealer may purchase a vehicle from his dealership's inventory and receive the same trade-in credit as if he purchased the vehicle from the inventory of another dealer.

Section 2. This act shall take effect upon becoming a law, the public welfare requiring it.

Senate Amendment No. 6

AMEND House Bill No. 886 " by deleting all language following the enacting clause in its entirety and by substituting instead the following:"

AND FURTHER AMEND by adding the following new sections:

Section 1. Tennessee Code Annotated, Section 67-6-510, is amended by designating the existing language as subsection (a) and by adding the following new subsection:

(b) A motor vehicle dealer having previously titled and registered a motor vehicle in the dealership name for business use, and having paid the appropriate sales or use tax on such vehicle, shall be allowed a trade-in credit equal to the trade-in value of such vehicle against the purchase price of a new or used vehicle purchased or extracted from such dealer's inventory to be titled and registered as a replacement vehicle for business use and the sales or use tax shall be paid on the net difference.

The trade-in value authorized by this subsection shall be equal to the trade-in amount for the specific make and model as established by the NADA Official Used Car Guide, Southeastern Edition.

It is the legislative intent that a dealer may purchase a vehicle from his dealership's inventory and receive the same trade-in credit as if he purchased the vehicle from the inventory of another dealer.

SECTION 2. Tennessee Code Annotated, Section 67-3-503, is amended by substituting for the word "fuel," in the first line of subsection (a), the language "gasoline or undyed motor vehicle fuel."

SECTION 3. Tennessee Code Annotated, Section 67-3-802, is amended by deleting subsections (1), (9) and (18) thereof in their entirety.

SECTION 4. Tennessee Code Annotated, Section 67-3-802, is further amended by adding a new subsection as follows:

"Dyed Fuel" means any fuel which is dyed pursuant to federal law or regulations issued by either the United States Internal Revenue Service or the United States Environmental Protection Agency.

Tennessee Code Annotated, Section 67-3-802, is further amended by substituting the language "Undyed Fuel" for the first word in the first line of subsection (7) thereof.

Tennessee Code Annotated, Section 67-3-802, is further amended by substituting language for subsection (13) thereof as follows:

"Limited User" means a person who does not sell either dyed or undyed fuel but who consumes fuel which is undyed and not subject to tax within this state for both licensed vehicles and other purposes;

Tennessee Code Annotated, Section 67-3-802, is
further amended by substituting language for
subsection (20) thereof as follows:

(20) "Sale" means the transfer or delivery
of undyed fuel by any person for resale at a
retail filling station for delivery into a motor
vehicle or into a container which is equipped
or designed to supply fuel directly into the fuel tank
or any other tanks affixed to a motor vehicle or to a tank
affixed to a trailer or semi-trailer designed to
be pulled by a licensed motor vehicle. "Sale"
also means the importation of undyed fuel by
any person into this state, in such person's
own conveyance or by common carrier or otherwise, for the
purpose of consumption in a motor vehicle owned,
leased or otherwise controlled by such person.
"Sale" does not include any transfer or
delivery of kerosene, even if undyed, placed
either into a hand pump or computer type pump, that may
have flexible hosing attached thereto, or into a
pressure vessel container, which is not used in a
motor vehicle on the public highways. "Sale"
also does not include the transfer or delivery
of kerosene, even if undyed, from one licensed seller to
another licensed seller.

SECTION 5. Tennessee Code Annotated, Section 67-3-804,
is amended by substituting for the language "either
taxable or tax exempt fuel", in the second line of
subsection (a) thereof, the language "dyed or undyed
fuel".

SECTION 6. Tennessee Code Annotated, Section 67-3-807,
is amended by deleting subsection (b) thereof in its
entirety.

SECTION 7. Tennessee Code Annotated, Section 67-3-810,
is amended by substituting for the word "fuel",
wherever it occurs in subsection (a) thereof, the
language "dyed or undyed fuel".

SECTION 8. Tennessee Code Annotated, Section 67-3-811,
is amended by deleting the language thereof and by
substituting therefor the following:

The tax shall be computed and reported on the
number of gallons of undyed fuel sold or used within
the state during the immediately preceding
month. Reports required under § 67-3-810 shall be
accompanied by a payment of tax due for the preceding
month.

SECTION 9. Tennessee Code Annotated, Section 67-3-812,
is amended by deleting subsection (c) thereof.

SECTION 10. Tennessee Code Annotated, Section 67-3-
814, is amended by deleting subsection (b) thereof.

SECTION 11. Tennessee Code Annotated, Section 67-3-817, is amended by substituting language for the second and third sentences of subsection (a) thereof as follows:

Any licensee who sells or delivers dyed fuel shall put on the face of the delivery document or invoice or both, if both are used, a notice that the product is dyed and is not for use in motor vehicles on the public highways. Any licensee delivering dyed fuel to consumers through pumps shall be required to prominently display on such pumps the language "Dyed Diesel Fuel - Nontaxable Use Only - Penalty for Taxable Use - Off Highway, Not Legal for Motor Vehicle Use." as presently required by the Internal Revenue Service and the Environmental Protection Agency; provided, however, that such display shall remain a requirement until the general assembly by statute changes such requirements notwithstanding either of such federal agencies altering or removing such requirement from its regulations. Failure to execute or maintain invoices or delivery documents, as provided herein, or failure to display the required language on delivery pumps shall result in the tax, which is imposed by this part on any such sales, to be owed by the seller or, in the alternative, if no tax is owed, the seller shall be liable for a penalty of one hundred dollars (\$100) for each month or portion thereof in which such failure continues. Any invoice shall reflect the amount of tax paid.

Tennessee Code Annotated, Section 67-3-817, is further amended by substituting language for subsections (b) and (c) as follows:

(b) The owner or operator of a retail filling station shall be required to maintain in a readily available place and to provide to the Commissioner upon request all purchase invoices for undyed fuel for a period of three (3) years from December 31 of the year in which the purchase occurred. Such owners or operators shall neither transfer nor deliver any dyed fuel to any other person nor shall such owners or operators purchase such dyed fuel for resale.

(c) Upon the failure of an owner or operator of a retail filling station to comply with the provisions set out in subsection (b) the Commissioner may:

(1) If the owner or operator is a permit holder under § 67-3-103, revoke such permit; or

(2) Assess a penalty not to exceed one hundred dollars (\$100) against the owner or operator for each month or portion thereof in which the failure continues.

SECTION 12. Tennessee Code Annotated, Section 67-3-820, is deleted in its entirety.

SECTION 13. Tennessee Code Annotated, Title 67, Chapter 3, Part 8, is amended by adding a new section thereto as follows:

Any person who sells or delivers dyed fuel when such person knows or has reason to know that the fuel will be used in a motor vehicle on the public highways or any person who uses dyed fuel in a motor vehicle on the public highways shall, in addition to any other penalty provided by law, be subject to a penalty of one thousand dollars (\$1,000) or ten dollars (\$10) per gallon of dyed fuel involved in such sale, delivery, or use, whichever amount is greater. Any such penalty shall be multiplied by the total number of separate instances in which penalty has been assessed against any one person.

Tennessee Code Annotated, Title 67, Chapter 3, Part 8, is further amended by adding another new section thereto as follows:

In addition to any general authority to investigate for violations of this chapter, the Commissioner is hereby authorized to inspect any vehicle using the public highways of this state to ascertain whether dyed fuel is being used to operate such vehicle on the highways of this state.

SECTION 14. Section 1 of this Act shall take effect upon becoming a law, the public welfare requiring it. The provisions of Sections 3, 6, 9, 10 and 12 of this act shall take effect January 1, 1998. The remaining sections of this act shall take effect January 1, 1996, the public welfare requiring it.

Rep. Davis moved that the House concur in Senate Amendment(s) No(s). 2 and 6 to House Bill No. 886, which motion prevailed by the following vote:

Ayes 90
Noes 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J, DeBerry, L., Duer, Fitzhugh, Ford, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Harwell, Hargrove, Hassell, Head, Herron, Huskey, Jackson, Jones, S, Jones, U (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigbsby, Rinks, Ritchie, Roach, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Shelby), Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 90.

A motion to reconsider was tabled.

HOUSE ACTION ON SENATE AMENDMENTS

House Bill No. 1465 -- Managed Care Organizations -- Extends time period for yearly assessment of members of Tennessee comprehensive health insurance pool to be due and payable from 30 to 45 days. Amends TCA Title 56. by *Rhinehart (*SB951 by *Rochelle, *Dixon).

Senate Amendment No. 7

AMEND House Bill No. 1465 by inserting in the amendatory language of subsection (7) of Section 2 of Amendment No. 1 the language "direct" between the language "obtain" and "aggregate".

AND FURTHER AMEND by inserting in the amendatory language of the proposed subdivision 3(E) in Section 4 of Amendment No. 1, the language " and the health maintenance organization provides a system for reserving for its continued liability which is approved by the department of commerce and insurance" between the language "services" and the punctuation " ; " .

AND FURTHER AMEND by deleting Section 6 of Amendment No. 1 in its entirety.

AND FURTHER AMEND by adding after the punctuation " ; " at the end of the amendatory language of Section 3 of Amendment No. 1, the following:

and, by so doing, such physician-hospital organization shall not be deemed to be an insurer or health maintenance organization.

Rep. Rhinehart moved that the House concur in Senate Amendment(s) No(s). 7 to **House Bill No. 1465**, which motion prevailed by the following vote:

Ayes 91
Noes 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J, DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Garrett, Givens, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Huskey, Jackson, Jones, R (Shelby), Jones, S, Jones, U (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Shelby), Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 90.

A motion to reconsider was tabled.

UNFINISHED BUSINESS

NOTICE TO ACT ON SENATE MESSAGES

Pursuant to the suspension of **Rule No. 59**, notice was given that the following measure(s) from the Senate would be considered on May 15, 1995:

House Bill No. 121: by Rep. Joyce.

House Bill No. 612: by Rep. Rinks.

BILLS WITHDRAWN

On motion of Rep. Rigsby, **House Bill No. 270** was recalled from the State and Local Government Committee and withdrawn from the House.

RULES SUSPENDED

Rep. Jackson moved that the rules be suspended for the immediate consideration of Senate Joint Resolution No. 174 out of order, which motion prevailed.

Senate Joint Resolution No. 174 -- Naming and Designating -- "Universal Fasteners, Inc. Day," April 28, 1995. by *Springer.

On motion, the rules were suspended for the immediate concurrence in the resolution.

Rep. Williams (Union) moved the previous question, which motion prevailed.

On motion of Rep. Jackson, the resolution was concurred in.

A motion to reconsider was tabled.

RULES SUSPENDED

Rep. Armstrong moved that the rules be suspended for the purpose of introducing House Resolution No. 73 out of order, which motion prevailed.

House Resolution No. 73 -- Memorials, Public Service -- Beal Vernon Bourne, II. by *Armstrong.

On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Rep. Armstrong, the resolution was adopted.

A motion to reconsider was tabled.

RULES SUSPENDED

Rep. Buck moved that the rules be suspended for the purpose of introducing House Resolution No. 72 out of order, which motion prevailed.

House Resolution No. 72 -- Memorials, Interns -- Charles Gerard Cannon. by *Williams (Williamson), *Buck, *Jackson.

On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Rep. Buck, the resolution was adopted.

A motion to reconsider was tabled.

SPECIAL ORDER

Rep. Purcell moved that **House Bill(s) No.(s) 1539 and 1291** be reset to the **Regular Calendar** on Wednesday, May 17, 1995, which motion prevailed.

HOUSE ACTION ON SENATE AMENDMENTS

***House Joint Resolution No. 235** -- General Assembly, Adjournment, Recess -- Recesses House on April 27, 1995 to reconvene on May 15, 1995; adjourns on May 25, 1995. by *Purcell, *Bittle.

Senate Amendment No. 1

AMEND House Joint Resolution No. 235 by adding after the first resolving clause the following:

BE IT FURTHER RESOLVED, That the Senate of the Ninety-Ninth General Assembly stand in recess at the close of business on Thursday, April 27, 1995, and reconvene on Thursday, May 4, 1995, at 9:00 a.m. (CDT).

BE IT FURTHER RESOLVED, That the Senate of the Ninety-Ninth General Assembly stand in recess at the close of business on Thursday, May 4, 1995, and reconvene on Thursday, May 11, 1995, at 9:00 a.m. (CDT).

BE IT FURTHER RESOLVED, That the Senate of the Ninety-Ninth General Assembly stand in recess at the close of business on Thursday, May 11, 1995, and reconvene on Monday, May 15, 1995, at 5:00 p.m. (CDT).

Rep. Purcell moved that the House concur in Senate Amendment(s) No(s). 1 to **House Joint Resolution No. 235**, which motion prevailed.

SPONSORS ADDED

Under **Rule No. 43**, the following members were permitted to add their names as sponsors as indicated below, the prime sponsor of each having agreed to such addition:

House Bill No. 741: Rep(s). Westmoreland as prime sponsor(s).

House Bill No. 808: Rep(s). Walley, Eckles, Haley, Arriola and Herron as prime sponsor(s).

House Bill No. 985: Rep(s). Kent as prime sponsor(s).

House Bill No. 1039: Rep(s). Newton as prime sponsor(s).

House Bill No. 1042: Rep(s). Newton as prime sponsor(s).

MESSAGE FROM THE SENATE
April 27, 1995

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 1860, 1874, 1877, 1879, 1880, 1882, 1885 and 1886; substituted for Senate Bill(s) on the same subject(s) and passed by the Senate.
CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE
April 27, 1995

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 163, 164 and 165; all concurred in by the Senate.
CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE
April 27, 1995

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 20, 185, 206, 249, 253 and 254; all concurred in by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.
MESSAGE FROM THE SENATE
April 27, 1995

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 230, 232, 233, 236, 239, 245 and 246; all concurred in by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.
MESSAGE FROM THE SENATE
April 27, 1995

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 953; substituted for Senate Bill(s) on the same subject(s) and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.
ENGROSSED BILLS
April 27, 1995

The following bills have been examined, engrossed, and are ready for transmission to the Senate: House Bill(s) No(s). 108; also, House Joint Resolution(s) No(s). 262.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

ENROLLED BILLS
April 27, 1995

The following bills have been compared, enrolled, and are ready for the signature(s) of the Speaker(s): House Bills(s) No(s). 1860, 1879 and 1880.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

SIGNED
April 27, 1995

The Speaker signed the following: House Bill(s) No(s). 1860, 1879 and 1880.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

MESSAGE FROM THE SENATE
April 27, 1995

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 1860, 1879 and 1880; all signed by the Speaker.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

REPORT OF CHIEF ENGROSSING CLERK
April 27, 1995

The following bill(s) have been transmitted to the Governor for his action: House Bill(s) No(s). 1860, 1879 and 1880.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

MESSAGE FROM THE SENATE
April 27, 1995

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 262; concurred in by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE
April 27, 1995

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 1528, 1544 and 1685; substituted for Senate Bill(s) on the same subject(s) and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

ENROLLED BILLS
April 27, 1995

The following bills have been compared, enrolled, and are ready for the signature(s) of the Speaker(s): House Bill(s) No(s). 1, 17, 39, 321, 656, 951, 961, 1125, 1303, 1439, 1701, 1749 and 1811; also House Joint Resolution(s) No(s). 173 and 250; and House Resolution(s) No(s). 65, 66 and 67.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

SIGNED
April 27, 1995

The Speaker signed the following: House Bill(s) No(s). 1, 17, 39, 321, 656, 951, 961, 1125, 1303, 1439, 1701, 1749 and 1811; also House Joint Resolution(s) No(s). 173 and 250; and House Resolution(s) No(s). 65, 66 and 67.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

MESSAGE FROM THE GOVERNOR

April 27, 1995

MR. SPEAKER: I am directed by the Governor to return herewith: House Joint Resolution(s) No(s). 222 and 225, with his approval.

HARDY MAYS, Counsel to the Governor.

MESSAGE FROM THE SENATE

April 27, 1995

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 488, 1230 and 1875; all passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

Senate Bill No. 488 -- Sunset Laws -- Board for licensing health care facilities, June 30, 2002 Amends TCA Title 4, Chapter 29; Title 68, Chapter 11. by *Haynes.

***Senate Bill No. 1230** -- Aircraft and Airports -- Makes certain mandatory qualifications for membership of metropolitan airport authority board permissive, and in Shelby County only, county executive to appoint two board members, subject to approval of county commission. Amends TCA Section 42-4-105. by *Ford J.

Senate Bill No. 1875 -- Gibson County -- Revises length of terms of members of board of trustees of Gibson County School District. Amends Chapter 62, Private Acts of 1981, as amended. by *Carter.

MESSAGE FROM THE SENATE

April 27, 1995

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 176, 177, 179, 180, 181, 184, 185, 187, 188, 189, 190, 191, 192, 196, 197, 198 and 199; all adopted for concurrence.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

Senate Joint Resolution No. 176 -- Memorials, Sports -- Coach Charlie Bayless. by. *Crowe.

Senate Joint Resolution No. 177 -- Memorials, Sports -- William "Hercules" Boyd, First Annual Mule Day Chariot Race winner. by *Jordan.

Senate Joint Resolution No. 179 -- Memorials, Public Service -- Ron Willis. by *Kyle.

Senate Joint Resolution No. 180 -- Memorials, Retirement -- Weldon Payne. by *Burks.

Senate Joint Resolution No. 181 -- Memorials, Recognition and Thanks -- Dr. Howell Todd. by *Henry.

***Senate Joint Resolution No. 184** -- Memorials, Congress -- Urges Congress to act to authorize states to act with respect to flow control under interstate commerce clause. by. *Gilbert, *Crowe.

Senate Joint Resolution No. 185 -- Memorials, Public Service - - Barbara Haynes, Chair, Tennessee Sentencing Commission. by *Kyle, *Atchley, *Burks, *Carter, *Cohen, *Cooper, *Crowe, *Crutchfield, *Dixon, *Elsea, *Ford J, *Fowler, *Gilbert, *Hamilton, *Harper, *Haun, *Haynes, *Henry, *Holcomb, *Jordan, *Koella, *Leatherwood, *McNally, *Miller J, *O'Brien, *Person, *Rice, *Rochelle, *Springer, *Wallace, *Wilder, *Womack, *Wright.

Senate Joint Resolution No. 187 -- Memorials, Academic Achievement -- Sheila Alexander Cook, Mt. Juliet Christian Academy 1995 valedictorian. by *Rochelle.

Senate Joint Resolution No. 188 -- Memorials, Academic Achievement -- Susan L. Bailey, 1995 valedictorian, Watertown High School. by *Rochelle.

Senate Joint Resolution No. 189 -- Memorials, Academic Achievement -- Christopher Shaun Harrison, 1995 salutatorian of Watertown High School. by *Rochelle.

Senate Joint Resolution No. 190 -- Memorials, Sports -- 1994-1995 Tuckers Crossroads School girls' basketball team. by *Rochelle.

Senate Joint Resolution No. 191 -- Memorials, Sports -- 1994-1995 Southside School girls' basketball team. by *Rochelle.

Senate Joint Resolution No. 192 -- Memorials, Sports -- 1994-1995 Southside School boys' basketball team. by *Rochelle.

Senate Joint Resolution No. 196 -- Memorials, Sports - 1994-1995 Meigs County High School girls' basketball team, TSSAA Class AA state champions. by *Elsea.

Senate Joint Resolution No. 197 -- Naming and Designating -- "The Year of Middle Grades Education," August 1995-August 1996. by *Crowe, *Womack.

Senate Joint Resolution No. 198 -- Memorials, Public Service -- Yvonne Magdaline Brown. by *Harper.

Senate Joint Resolution No. 199 -- Memorials, Sports -- 1994-1995 Tennessee State University men's basketball team. by *Harper, *Rochelle, *Henry.

ENGROSSED BILLS
April 27, 1995

The following bills have been examined, engrossed, and are ready for transmission to the Senate: House Bill(s) No(s). 34, 117, 594, 828, 960, 1238, 1259, 1384, 1427, 1462, 1474, 1541, 1541, 1789 and 1867; also, House Joint Resolution(s) No(s). 44, 50, 98, 129, 149, 180, 198, 202, 217, 219, 255, 256, 257, 258, 259, 260, 261 and 263.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

CONSENT CALENDAR
April 27, 1995

The following local bills have been placed on the Consent Calendar for **May 15, 1995**: House Bill(s) No(s). 1851, 1887, 1889, 1890, 1891, 1892 and 1893.

ROLL CALL

The roll call was taken with the following results:

Present 97

Representatives present were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J. DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R.(Shelby), Jones, S, Jones, U (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Shelby), Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 97.

RECESS MOTION

Pursuant to House Joint Resolution No. 235 and on motion of Rep. Purcell, the House recessed until 5:00 p.m., Monday, May 15, 1995.